

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

NIKOLAS BRITTON,

Plaintiff,

v.

THE PRESIDENT OF THE UNITED
STATES, et al.,

Defendants.

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1:20-CV-681-RP

ORDER

Before the Court is the report and recommendation from United States Magistrate Judge Andrew W. Austin concerning Nikolas Britton’s (“Britton”) failure to comply with Judge Austin’s June 29, 2020 order requiring Britton to submit the filing fee of \$400 or complete an application to proceed in forma pauperis, (Dkt. 3). (R. & R., Dkt. 4). Pursuant to 28 U.S.C. § 636(b) and Rule 1(d) of Appendix C of the Local Rules of the United States District Court for the Western District of Texas, Judge Austin issued his report and recommendation on August 18, 2020. (*Id.*). The Clerk’s Office sent Britton the report and recommendation certified mail. (Dkt. 5). As of the date of this order, no party has filed objections to the report and recommendation.

Pursuant to 28 U.S.C. § 636(b), a party may serve and file specific, written objections to a magistrate judge’s proposed findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure *de novo* review by the district court. When no objections are timely filed, a district court can review the magistrate’s report and recommendation for clear error. *See* Fed. R. Civ. P. 72 advisory committee’s note (“When no timely objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”).

Because no party has filed timely objections, the Court reviews the report and recommendation for clear error. Having done so and finding no clear error, the Court accepts and adopts the report and recommendation as its own order.

Accordingly, the Court **ORDERS** that the Report and Recommendation of Judge Austin, (Dkt. 4), is **ADOPTED**. Britton's claims are **DISMISSED WITHOUT PREJUDICE**.

The Court will enter final judgment by separate order.

SIGNED on September 23, 2020.

A handwritten signature in blue ink, appearing to read "Robert Pitman", written over a horizontal line.

ROBERT PITMAN
UNITED STATES DISTRICT JUDGE